UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/609,633	07/01/2003	Eric Wisniewski	Q75615	4950

23373   7590   06/08/2009
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER
NGUYEN, KHAI MINH

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
06/08/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

		Application No.	Applicant(s)
Office Action Summary		10/609,633	WISNIEWSKI ET AL.
		Examiner	**Art Unit**	
		KHAI M. NGUYEN	2617	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>26 March 2009</u>.

2a) ☒ This action is **FINAL.**   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-8</u> is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-8</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____.

        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed 3/26/2009 have been fully considered but they are

not persuasive.

Regarding claims 1 and 5, Applicant argues, on pages 2-6 of the remarks, that

Sounviervi , Sehoh and Schuetze do not disclose, teach, or suggest "identifying at said

mediation server a change in used data exchange format from a first data exchange

format to a second identified data exchange format; and dynamically switching from first

data exchange format to said second identified data exchange format".

Senoh clearly disclose a mediation server (item 2), and identifying at said

mediation server (item 2) a change in used data exchange format from a first data

exchange format to a second identified data exchange format ([0077] **server 2**

converts the format specification of the content from a first format to a second

format if the format (first format specification) of the content stored on the

content server 3 is not the same as the format (second format specification)

required for viewing on the user terminal 1/ or see **Background of invention,**

[0005] lines 4-12).

Schuetze clearly disclose dynamically switching from first data exchange format

to said second identified data exchange format (col.3, lines 17-47 (for example,

receiving electronic mail in a sender's format from a sender organization; a

plurality of sending means, each sending means sending electronic mail in one of

a plurality of distinct formats; gateway means associated with each of the

sending means for converting the electronic mail into the format of the sending

means; and routing means connected to the receiving means and the gateway

means for receiving the electronic mail from the receiving means and routing the

electronic mail to one of the sending means through the gateway means; and

wherein the routing means determines the recipient's format from the identity of

the recipient organization and routes the electronic mail through the gateway

means to the sending means which can send mail in the recipient's format/ or

Background of the invention, [0005] lines 4-12).

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1, 4-5, and 7-8 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Suonviervi (U.S.Pat-6445919), in view of Senoh (U.S.Pub-

20020078178), and further in view of Schuetze et al. (U.S.Pat-6101320).

Regarding claim 1, Suonvieri teaches method for providing service management

to network elements of a cellular communication network (fig.4), said network elements

communicating with an Operation and Maintenance Center (fig.4, NMS) of the

communication network communicating center of said cellular communication network

(fig.4) by sending data having a data exchange format specific data format (col.4, lines
12-20) at a mediation server (not show), wherein said method comprises:

Suonvieri fails to specifically disclose a mediation server, and identifying at said
mediation server a change in used data exchange format from a first data exchange
format to a second identified data exchange format.

However, Senoh teaches a mediation server (item 2), and identifying at said
mediation server (item 2) a change in used data exchange format from a first data
exchange format to a second identified data exchange format ([0077] server 2 converts
the format specification of the content from a first format to a second format if the format
(first format specification) of the content stored on the content server 3 is not the same
as the format (second format specification) required for viewing on the user terminal 1).

Therefore, it would have been obvious to one having ordinary skill in the art at
the time the invention was made to apply the teaching of Senoh to Suonvieri to provide
method for conversion to the desired format specification.

Suonvieri and Senoh fail to specifically disclose dynamically switching from first
data exchange format to said second identified data exchange format.

However, Schuetze teaches dynamically switching from first data exchange
format to said second identified data exchange format (col.3, lines 17-47).

Therefore, it would have been obvious to one having ordinary skill in the art at
the time the invention was made to apply the teaching of Schuetze to Suonvieri and

Senoh fail to provide method for exchanging data between separate organizations

which may use dissimilar data formats to receive and send data.

Regarding claim 4, Suonvieri, Senoh, and Schuetze further teach method

according to claim 1, wherein said data exchanged between said at least one of said

network element and said Operation (see Suonvieri, fig.4, NMS) and Maintenance

Center contains a new software version download (see Schuetze, col.6, lines 17-46)

from the Operation and Maintenance Center to said at least one of said network

element (see Suonvieri, fig.5, abstract, col.2, lines 45-60).

Regarding claim 5, Suonvieri teaches a mediation server (fig.5) used for

translating a first data exchange format used by a network element of a cellular

communication network to a second data exchange format used by an center specific

data format used by an Operation and Maintenance (fig.4, NMS); wherein said

mediation server (not show) comprises:

Suonvieri fails to specifically disclose a mediation server, and mean for

identifying a change in used data exchange format from a first data exchange format to

a second identified data exchange format.

However, Senoh teaches a mediation server (item 2), and mean for identifying

(item 2) a change in used data exchange format from a first data exchange format to a

second identified data exchange format ([0077] server 2 converts the format

specification of the content from a first format to a second format if the format (first

format specification) of the content stored on the content server 3 is not the same as the

format (second format specification) required for viewing on the user terminal 1).

Therefore, it would have been obvious to one having ordinary skill in the art at

the time the invention was made to apply the teaching of Senoh to Suonvieri to provide

method for conversion to the desired format specification.

Suonvieri and Senoh fail to specifically disclose dynamically switching from first

used data exchange format to said second identified data exchange format.

However, Schuetze teaches dynamically switching from first used data exchange

format to said second identified data exchange format (col.3, lines 17-47).

Therefore, it would have been obvious to one having ordinary skill in the art at

the time the invention was made to apply the teaching of Schuetze to Suonvieri and

Senoh provide method for exchanging data between separate organizations which

may use dissimilar data formats to receive and send data.

Regarding claim 7, Suonvieri, Senoh, and Schuetze further teach the mediation

server according to claim 5, wherein the mediation server (see Senoh, item 2) is a

software component part of said Operation and Maintenance Center (see Schuetze,

fig.3, see Suonvieri, fig.4).

Regarding claim 8, Suonvieri, Senoh, and Schuetze further teach the mediation

server according to claim 5, wherein the mediation server (see Senoh, item 2) is a

software component on a standalone device connectable to said Operation and

Maintenance Center (NMS) (see Schuetze, fig.3, see Suonvieri, fig.4).

4.   Claims 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Suonviervi (U.S.Pat-6445919),), in view of Senoh (U.S.Pub-20020078178), in view of

Schuetze et al. (U.S.Pat-6101320), and further in view of Lucas et al. (U.S.Pub-

20050278710).

        Regarding claim 2, Suonvieri, Senoh, and Schuetze further teach a method

according to claim 1, wherein it further comprises the steps of:

        representing said second identified data exchange format in an object oriented

program (see Schuetze, col.1, lines 42-59, col.3, lines 17-47), and dynamically

uploading the class using the Java programming language (not show) to switch from

said firs data exchange format to said second identified data exchange format (see

Schuetze, col.1, lines 42-59, col.3, lines 17-47).

        Suonvieri, Senoh, and Schuetze fail to specifically disclose Java programming

language. However, Lucas teaches Java programming language (paragraph 0054).

        Therefore, it would have been obvious to one having ordinary skill in the art at

the time the invention was made to apply the teaching of Lucas to Suonvieri, Senoh,

and Schuetze to provide for manipulating data representation language based-objects

in a native programming language environment.

        Regarding claim 6 is rejected with the same reasons set forth in claim 2.

5.   Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Suonviervi (U.S.Pat-6445919),), in view of Senoh (U.S.Pub-20020078178), in view of

Schuetze et al. (U.S.Pat-6101320), and further in view of Rubinstein et al. (U.S.Pat-

6757373).

        Regarding claim 3, Suonvieri, Senoh, and Schuetze further teach the method

according to claim 1,

        Suonvieri, Senoh, and Schuetze fail to specifically disclose selecting one out of a

plurality of mediation servers for handling information from at least one of said network

elements according to a predefined load balancing.

        However, Rubinstein teaches selecting one out of a plurality of mediation servers

for handling information from at least one of said network elements according to a

predefined load balancing (abstract, col.3, lines 17-31).

        Therefore, it would have been obvious to one having ordinary skill in the art at

the time the invention was made to apply the teaching of Rubinstein to Suonvieri,

Senoh, and Schuetze to provided method for routing a call effect load balancing

between mediation devices.

Conclusion

6.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

        A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to KHAI M. NGUYEN whose telephone number is

(571)272-7923. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Vincent P. Harper can be reached on 571.272.7605. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/VINCENT P. HARPER/
Supervisory Patent Examiner, Art Unit 2617

/Khai M Nguyen/
Examiner, Art Unit 2617   6/4/2009